

**SHIPPED:** On 4-22-60 and 5-24-60 (Chick Spicer Atoms), and 6-7-60 and 7-1-60 (Broiler Atoms), from Kansas City, Mo., by Staley Milling Co. (Spencer Kellogg & Sons, Inc.).

**LABEL IN PART:** (Bag) "Professional Chick Spicer Atoms \* \* \* Spencer Kellogg and Sons, Inc. Professional Feeds Division, Kansas City & St. Louis 25 Lbs. Net \* \* \* Active Drug Ingredients: Furazolidone (nf-180) 0.011% (100 grams per ton) Chlortetracycline (aureomycin) 0.05 grams per lb. (100 grams per ton)"; "Professional Broiler Atoms \* \* \* 50 Lbs. Net Staley Milling Company, Kansas City & St. Louis"; and (tag) "50 Lbs. Net Broiler Grower Atoms Medicated \* \* \* Ingredients: \* \* \* 3 Nitro 4-Hydroxyphenylarsonic Acid 0.005%; Nicarbazin 0.0125%."

**LIBELED:** 12-9-60, Dist. Nebr.

**CHARGE:** 501(c)—when shipped and while held for sale, the strength of the articles differed from, and their quality fell below, that which they purported and were represented to possess since the Chick Spicer Atoms contained approximately 40 percent of the labeled amount of furazolidone, and the Broiler Atoms contained approximately 72 percent of the labeled amount of 3-nitro,4-hydroxyphenylarsonic acid.

**DISPOSITION:** 9-5-61. Consent—destruction.

## **DRUGS AND DEVICES ACTIONABLE BECAUSE OF FALSE AND MISLEADING CLAIMS**

### **DRUGS FOR HUMAN USE\***

**6717. Various prescription drugs.** (F.D.C. No. 46252. S. Nos. 76-150 R, 76-152/4 R, 76-156 R, 76-163/5 R.)

**QUANTITY:** 3,565 tablets and capsules, and 41 btls. of liquid preparations, at Jacksonville, Fla., in possession of Johnston's Pharmacy.

**SHIPPED:** On unknown dates, by various drug handlers.

**LABEL IN PART:** (Some labels) "Patient Starter Package," "Professional Trial Package," "Professional Sample Not for Sale," "Sample Not To Be Sold," "Physician's Professional Package," "Special Package for the Medical Profession Only," "Physician's Test Package," or similar wording.

**RESULTS OF INVESTIGATION:** Some of the articles were prescription drugs, originally intended for use as samples for physicians and others lawfully engaged in dispensing prescription drugs, bearing labels containing a "complementary - not to be sold" professional sample legend, and containing also the names and addresses of manufacturers, packers, or distributors located outside the State of Florida.

Some of the articles were prescription drugs originally intended for investigational use and bearing labels containing the words "Caution: New Drug Limited by United States Law to Investigational Use," or similar wording, and the names and addresses of manufacturers, packers, or distributors located outside the State of Florida.

**LIBELED:** 8-15-61, S. Dist. Fla.

**CHARGE:** 502(a)—while held for sale, the words "Patient Starter Package," "Professional Trial Package," "Professional Sample Not for Sale," "Sample Not To Be Sold," "Physician's Professional Package," "Special Package for the Medical Profession Only," "Physician's Test Package," and similar wording on

\*See also Nos. 6706, 6707, 6710-6715.

the labels of a number of the articles, were false and misleading as applied to the articles then in the possession of a repacker and intended for sale, and not then intended for use as "complimentary - not to be sold" samples for physicians and others lawfully engaged in dispensing prescription drugs; and 502(a)—the words "Caution: New Drug Limited by United States Law to Investigational Use," and similar wording on the labels of a number of the articles, were false and misleading as applied to the articles then in the possession of a repacker and intended for sale, and not then intended for investigational use.

DISPOSITION: 10-3-61. Default—destruction.

6718. Various prescription drugs. (F.D.C. No. 46271. S. Nos. 99-101 R, 99-103/4 R, 99-106/7 R, 99-111 R.)

QUANTITY: Various quantities having an approximate total value of \$400, at Rochester, N.Y., in possession of Monroe Pharmacy.

SHIPPED: On unknown dates, by various drug handlers.

LABEL IN PART: (Some labels) "Physician's Sample - Not To Be Sold," "Physician's Professional Package," "Complimentary," "Physician's Sample," "Sample: Not To Be Sold," or similar wording, and (some labels) "Caution: New Drug - Limited By Federal Law to Investigational Use," or similar wording.

RESULTS OF INVESTIGATION: Some of the articles were prescription drugs, originally intended for use as samples for physicians and others lawfully engaged in dispensing prescription drugs, and bearing the prescription legend, a "complimentary - not to be sold" professional sample legend, and the names and addresses of the manufacturers, packers, or distributors located outside the State of New York.

Some of the articles were prescription drugs originally intended for investigational use and bearing labels containing the words "Caution: New Drug - Limited By Federal Law To Investigational Use," or similar wording, and the names and addresses of manufacturers, packers, or distributors located outside the State of New York.

LIBELED: 8-22-61, W. Dist. N.Y.

CHARGE: 502(a)—while held for sale, the words "Physician's Sample - Not To Be Sold," "Physician's Professional Package," "Complimentary," "Physician's Sample," "Sample: Not To Be Sold," or similar wording on the labels of a number of articles, were false and misleading as applied to the articles then in the possession of a repacker and intended for sale, and not then intended for use as "complimentary - not to be sold" samples for physicians and others lawfully engaged in dispensing prescription drugs; and 502(a)—the words "Caution: New Drug - Limited By Federal Law To Investigational Use," and similar wording on the labels of a number of articles, were false and misleading as applied to the articles then in the possession of a repacker and intended for sale, and not then intended for investigational use.

DISPOSITION: 10-13-61. Default—destruction.

6719. Various prescription drugs. (F.D.C. No. 46193. S. Nos. 62-071/6 R.)

QUANTITY: 121,920 tablets, 73 envelopes containing additional tablets, and 200 btl. of liquid, at Overland Park, Kans., in possession of William H. Carlos.

SHIPPED: On unknown dates, from outside the State of Kansas.

LABEL IN PART: "Professional Sample" or "Complimentary."